



Town of Burlington * Building Department

25 Center Street * Burlington MA 01803

Phone 781-270-1615 * Fax 781-238-4691

*** **Read Reverse for Trench Requirements and Initial** ***

TRENCH PERMIT

Pursuant to GL c82A subsect 1 and 520 CMR 7 et seq. (as amended). This permit must be fully completed prior to consideration.

DIG SAFE NO.:			BUILDING PERMIT NO.	
Name of Applicant			Phone No.	Cellphone No.
Street Address				
City/Town	State	Zip	Applicant Signature & Date	
Name of Excavator (if different from applicant)			Phone No.	Cellphone No.
Street Address				
City/Town	State	Zip	Excavator Signature & Date	
Name of Owner(s) of Property			Phone No.	Cellphone No.
Street Address				
City/Town	State	Zip	Owners Signature & Date	
DESCRIPTION, LOCATION & PURPOSE OF PROPOSED TRENCH: Please describe the exact location of the proposed trench and its purpose (include a description of what is (or is intended) to be laid in proposed trench (e.g. footings/foundation).				
Name of Competent Person (as defined by 520 CMR 7.02):			Massachusetts Hoisting License No	
License Grade	Expiration Date:		Signature	

By signing this form, the applicant/excavator, all acknowledge and certify that they are familiar with or before commencement of the work, will become familiar with all laws and regulations applicable to work proposed, including OSHA regulations, G.L. C.82A, 520 CMR 7.00 et seq., and any applicable municipal ordinances, bylaws and regulations and they covenant and agree that all work done under the permit issued for such work will comply therewith in all respects and with the conditions set forth below.

The abovesigned agrees to reimburse the municipality for any and all costs and expenses incurred by the municipality in connection with this permit and the work conducted above. Including, but not limited to enforcing the requirements of state law and conditions of this permit, inspections made to assure compliance therewith, and measures taken by the municipality to protect the public where the applicant has failed to comply therewith including police details and other remedial measures deemed necessary by the municipality.

The abovesigned agrees to defend, indemnify and hold harmless the municipality and all of its agents and employees from any and all liability, causes or action, costs and expenses resulting from or arising out of any injury, death, loss or damage to any person or property during the work conducted under this permit.

*** **READ REVERSE FOR TRENCH LAW AND INITIAL** ***

March 2009

Summary of Excavation and Trench Safety Regulation (520 CMR 14.00 et seq.)

This summary was prepared by the Massachusetts Department of Public Safety pursuant to G.L.c.82A and does not include all requirements of the 520 CMR 14.00. To view the full regulation and G.L.c.82A, go to the www.mass.gov/dps. Pursuant to M.G.L.c.82 Sec 1, the Department of Public Safety, jointly with the Division of Occupational safety, drafted regulations relative to trench safety. The regulation is confined in section 14.00 of title 520 of the Code of Massachusetts Regulations. The regulation requires all excavators to obtain a permit prior to the excavation of a trench made for a construction-related purpose on public or private land or rights-of-way. All municipalities must establish a local permitting authority for the purpose of issuing permits for trenches within the municipality. Trenches on land owned or controlled by a public (state) agency requires a permit to be issued by that public agency unless otherwise designated.

THE TOWN OF BURLINGTON HAS TWO DEPARTMENTS ISSUING TRENCH PERMITS:

1 – The **Building Department** will issue permits for trenches on private property in conjunction with work that requires permits under their jurisdiction.

2 – The **DPW/Engineering Division** will issue trench permits under utility permits, which cover work within the Town right-of-ways (ROW) as well as service connections to utilities located within the ROW.

In addition to the permitting requirements mandated by the state, the trench safety regulations require that all excavators, whether public or private, take specific precautions to protect the general public and prevent unauthorized access to unattended trenches. Accordingly, unattended trenches must be covered, barricaded or backfilled. Covers must be road plates at least ¾" thick or equivalent; barricades must be fences at least 6' high with no openings greater than 4" between vertical supports; backfilling must be sufficient to eliminate the trench. Alternatively, excavators may choose to attend trenches at all times, for instance by hiring a police detail, security guard or other attendant who will be present during times when the trench will be unattended by the excavator.

The regulations further provide that local permitting authorities, the Department of Public Safety, or the Division of Occupational Safety may order an immediate shutdown of a trench in the event of a death or serious injury; the failure to obtain a permit; or the failure to implement or effectively use adequate protections for the general public. The trench shall remain shutdown until re-inspected and authorized to re-open provided, however, those excavators shall have the right to appeal an immediate shutdown. Permitting authorities are further authorized to suspend or revoke a permit following a hearing. Excavators may also be subject to administrative fines issued by the Department of Public Safety for identified violations.

Conditions and Requirements Pursuant to G.L.C.82A and 520 CMR 7.00 et seq. (as Amended)

By signing the application, the applicant understands and agrees to comply with the following:

- i. No trench may be excavated unless the requirements of sections 40 through 40D of Chapter 82, and any accompanying regulations, have been met and this permit is invalid unless and until said requirements have been complied with by the excavator applying for the permit including, but not limited to, the establishment of a valid excavation number with the underground plant damage prevention system as said system is defined in Section 76D of Chapter 164 (DIG SAFE);
- ii. Trenches may pose a significant health and safety hazard. Pursuant to Section 1 of Chapter 82 of the General Laws, an excavator shall not leave any open trench unattended without the first making every reasonable effort to eliminate any regulations promulgated by the Department of Public Safety in order to familiarize themselves with the recognized safety hazards associated with the excavations and open trenches and the procedures required or recommended by said department in order to make every reasonable effort to eliminate said safety hazards which may include covering, barricading or otherwise protection open trenches from accidental entry.
- iii. Persons engaging in any in any trenching operation shall familiarize themselves with the federal safety standards promulgated by the Occupational Safety and Health Administration (OSHA) on excavations: 29CMR 1926.650 et.seq., entitled Subpart P "Excavations".
- iv. Excavators engaging in any trenching operation who utilize hoisting or other mechanical equipment subject to Chapter 146 shall only employ individuals licensed to operate said equipment by the Department of Public Safety pursuant to said chapter and this permit must be presented to said licensed operator before any excavation is commenced;
- v. By applying for, accepting and signing this permit, the applicant hereby attests to the following: (1) that they have read and understands the regulations promulgated by the Department of Public Safety with regard to construction related excavations and trench safety; (2) that he has read and understands the federal safety standards promulgated by OSHA on excavations: 29 CMR 1926.650 et.seq., entitled Subpart P "Excavations" as well as any other excavation requirements established by this municipality; and (3) that he is aware of and has, with regard to the proposed trench excavation on private property or proposed excavation of a city or town public way that forms the basis of the permit application. Complied with the requirement of sections 40-40D of Chapter 82A.
- vi. This permit shall be posted in plain view on the site of the trench.

I HAVE READ AND UNDERSTAND AFOREMENTIONED TRENCH LAW Initial _____